

Opening Statement  
Chairman Mark Souder

“Drugs and Security in a Post-9/11 World: Coordinating  
the Counternarcotics Mission at the Department of  
Homeland Security”

Subcommittee on Criminal Justice, Drug Policy  
and Human Resources  
Committee on Government Reform

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Good afternoon. Today’s hearing addresses a vitally important topic for Congress and for the nation: the counternarcotics mission at the Department of Homeland Security. Specifically, we are here to discuss how well the Department is fulfilling its counternarcotics mission, what level of material and personnel support it is providing to anti-drug operations, and what steps it is taking to improve coordination and cooperation between its own counternarcotics agencies. I would first like to thank Chairman Dave Camp of the Select Committee on Homeland Security’s Subcommittee on Infrastructure and Border Security, for agreeing to hold this as a joint hearing between our two subcommittees. I sit on Chairman Camp’s subcommittee, and I have appreciated the strong leadership he has provided on border security and drug interdiction issues.

In the aftermath of September 11, we have focused special attention on preventing and responding to terrorist attacks on our country, and rightly so. But we should never forget the terrible toll that drug abuse continues to take on America. According to the Centers for Disease Control, every year about 20,000 American lives are lost as a direct consequence of illegal drug use. The Office of National Drug Control Policy estimates that the annual economic cost of drug abuse to the U.S. – in lost productivity, health care costs, and wasted lives – is now well over the \$150 billion mark.

The Department of Homeland Security is an absolutely crucial player in our efforts to reduce this terrible scourge. When Congress created the Department in 2002, it combined some of the most important anti-drug trafficking agencies in the Federal government – including the U.S. Coast Guard, the Border Patrol, and the former Customs Service. Although there are certainly other federal agencies with a vital role in our fight against drug trafficking, DHS is largely responsible for manning the “front lines” in this mission. The Customs inspectors and Border Patrol agents at U.S. Customs and Border Protection (CBP); the special agent investigators and Air and Marine personnel at U.S. Immigration and Customs Enforcement (ICE); and the Coast Guard personnel patrolling the waters, represent our nation’s first line of defense against the drug traffickers.

To ensure that these agencies would not neglect their counternarcotics role in the new Department, Congress specifically provided that the primary mission of DHS included the responsibility to “monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.”<sup>1</sup> In accordance with this Congressional mandate, the men and women of these agencies have worked hard to fulfill their counternarcotics roles. And there is clear evidence that the Bush Administration’s overall anti-drug strategy, including rigorous interdiction and enforcement, as well as treatment and prevention initiatives, is working. Drug use, particularly among young people, is on the decline again after rising significantly during the 1990’s.

Several issues have arisen, however, that need to be addressed to ensure that DHS remains on track in the struggle against drug trafficking. In particular, Congress and the Administration need to work together to ensure that the structures and procedures at the new Department reflect the importance of counternarcotics. No one doubts that the individuals currently serving at the Department have a strong personal commitment to stopping

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<sup>1</sup> See 6 U.S.C. 111(b)(1)(G) (primary mission of Department includes responsibility to “monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking”).

drug trafficking; indeed, two of its top officials, Under Secretary Asa Hutchinson, and Commissioner Robert Bonner, who is testifying here today, are both former Administrators of DEA. But we need to make sure that, over the long term, the Department is institutionally committed to drug interdiction. There are at least three major problems that I believe need to be resolved.

First, the status and responsibilities of the Counternarcotics Officer at DHS need to be better defined. Congress created this position in 2002, directing the Counternarcotics Officer to assist the Secretary to coordinate policy and operations within the Department with respect to drug interdiction; to track and sever connections between illegal drug trafficking and terrorism; and to ensure the adequacy of resources within the Department for drug interdiction.<sup>2</sup> Regrettably, the current statutory provision does not clearly define how this Officer is to fulfill those duties, nor does it give him adequate status or resources to fulfill them. Raising the profile of the Counternarcotics Officer, and assigning specific responsibilities and permanent staff to him, would go a long way toward rectifying this problem.

Second, the new personnel management systems being developed by the Department may not be giving sufficient attention to key missions, including stopping drug trafficking. In February 2004, DHS and the Office of Personnel Management (OPM) issued draft regulations for a new personnel management system for most of the Department's employees.<sup>3</sup> The regulations, which would govern

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<sup>2</sup> See 6 U.S.C. 458, which provides as follows:

“The Secretary shall appoint a senior official in the Department to assume primary responsibility for coordinating policy and operations within the Department and between the Department and other Federal departments and agencies with respect to interdicting the entry of illegal drugs into the United States, and tracking and severing connections between illegal drug trafficking and terrorism. Such official shall--

- (1) ensure the adequacy of resources within the Department for illicit drug interdiction; and
- (2) serve as the United States Interdiction Coordinator for the Director of National Drug Control Policy.”

<sup>3</sup> See 69 Fed. Reg. 8030-01 (Feb. 20, 2004).

employee performance review as well as pay scales, are quite extensive and detailed, occupying nearly 40 pages of the Federal Register. A computer word search, however, revealed that the words, “drug(s)”, “narcotic(s)”, and “interdiction” were not mentioned even once, even in the discussion of the DHS mission. The Department’s personnel management system must, of course, be flexible, and take into account not only differences in agency cultures, but also differences in locations and roles. At a minimum, however, DHS should include criteria related to counternarcotics activity in its employee appraisal system for relevant enforcement personnel.

Finally, it is clear that more work needs to be done improving the level of communication, coordination, and cooperation between the various agencies within DHS on counternarcotics work. For example, at present there are three entities within DHS that have substantial air and/or marine operations – the Coast Guard, the Office of Air and Marine Operations (AMO) at ICE, and the Border Patrol. These three entities, however, do not communicate with each other on a systematic basis about their flights or marine operations, even when they overlap with respect to mission and to geographic area. This has created a significant problem of duplication of effort, and a safety issue for the pilots and boat operators involved. Additional issues of intelligence sharing, coordinated investigations, and operation deconfliction must also be addressed if DHS is to maximize its effectiveness against the drug cartels.

This hearing will give us an opportunity to examine these problems and their potential solutions. Again, I thank Chairman Camp for agreeing to co-host this hearing, and for the assistance that he and his staff provided us in preparing for it. I would also like to thank our four witnesses, who are responsible for implementing DHS counternarcotics policies, for taking the time out of their busy schedules to join us here today. We welcome Commissioner Robert Bonner, head of U.S. Customs and Border Protection (CBP); Admiral Thomas Collins, Commandant of the U.S. Coast Guard; Assistant Secretary Michael Garcia, head of U.S. Immigration and Customs Enforcement (ICE); and Mr. Roger Mackin, the Counternarcotics Officer at DHS. I thank everyone for coming, and I look forward to your testimony.